

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 724 OF 2019

Vipul alias Vijay s/o Mahadeorao Nathe .Vs. State of Maharashtra, PSO, P.S.
Anjangaon, Amravati (Rural), Amravati.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr. B.H. Tekam, Advocate for applicant.
Mr. M.J. Khan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : NOVEMBER 15, 2019

Heard Mr. Tekam, learned counsel for the applicant and Mr. Khan, learned Additional Public Prosecutor for the non applicant-State. Also perused the reply filed on behalf of the prosecution.

The applicant is apprehending his arrest in connection with Crime No.352/2019 registered with Police Station, Anjangaon, Amravati (Rural), Dist. Amravati for an offence punishable under Sections 353, 504, 506 and 323 of the Indian Penal Code.

The first information report is lodged by Dinesh Ramchandra Telkar an Engineer. As per the first information report, on 23.09.2019, when the first informant was discharging his duty that time present applicant who is a contractor came in his cabin and asked for the payment of bills for the work which he has done. According to the report, thereafter the first informant stated that after the measurement the bill will be prepared. The first information report states that thereafter when the first informant was

proceeding to visit site of one Gajanan Vijekar on motorcycle that time the applicant intercepted and gave slap to him.

The application is opposed by the learned Additional Public Prosecutor for the State by filing reply. He submits that the incident has occurred in presence of Gajanan Vijekar and one Ankush. In the statements, these two persons claim that the incident has occurred. From the investigation papers it is clear that the bill for the work done by the present applicant was pending with the Nagar Parishad, Anjangaon and there was outstanding payment of six bills. Though the incident has occurred on 23.09.2019 the investigation papers would show that the statements of Gajanan and Ankush were recorded after two days of the incident and there is no explanation for recording statements belatedly.

Looking to the nature of the accusation and the fact that the applicant was insisting for release of the bills for which the first informant is authority and looking to the fact that no injuries are suffered by the first informant, in my view, the applicant can be protected especially when the applicant has already joined the investigation by attending police station as directed by this Court on 18.10.2019. Consequently, I pass following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.352/2019 registered with Police Station, Anjangaon, Amravati (Rural), Dist. Amravati for an offence punishable under Sections 353, 504, 506 and 323 of the Indian Penal

Code, applicant – Vipul alias Vijay s/o Mahadeorao Nathe, be released on bail on he executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant is directed to attend Police Station, Anjangaon, Amravati (Rural), Dist. Amravati as and when called by the investigating officer. However, for that the investigating officer shall give clear cut 24 hours' prior written communication to the applicant, till filing of the charge-sheet.

(iv) With this, the application is allowed and disposed of.

JUDGE

srwagh